

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SAMUEL D. HEARNES, JR.,

Plaintiff, No. CIV S-04-0198 GEB GGH P

vs.

CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,

Defendants. ORDER

/

On June 23, 2006, plaintiff filed a request for a thirty day extension of time to serve discovery requests. Pursuant to the March 8, 2006, scheduling order, the discovery cut-off date was June 23, 2006. Plaintiff also requests that he be re-served with the scheduling order.

On August 14, 2006, defendants filed a motion for judgment on the pleadings. In light of defendants' motion, plaintiff's motion for an extension of time to conduct discovery is denied without prejudice. If defendants' motion is denied, plaintiff may file a motion to reopen discovery.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's June 23, 2006, request for an extension of time to conduct discovery is denied without prejudice;

1 2. The Clerk of the Court is directed to re-serve plaintiff with the March 8, 2006,
2 scheduling order.

3 DATED: 9/1/06

 /s/ Gregory G. Hollows

4 GREGORY G. HOLLOWS
5 UNITED STATES MAGISTRATE JUDGE

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